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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,266	11/27/2001	Frederic Bauchot	FR920000062US1	1319

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IMB CORPORATION  
INTELLECTUAL PROPERTY LAW  
DEPT. IQOQ/BLDG. 040-3  
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ENDCOTT,, NY 13760

EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/995,266

Applicant(s)

BAUCHOT, FREDERIC

Examiner

Rachna Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/05/05</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to communications: Application filed 11/27/01.
2. Claims 1-14 are pending in the application.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/05/05 was considered by the examiner.

***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 11/28/00. It is noted, however, that applicant has not filed a certified copy of the French application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. All possible means for carrying out the method to any one of the preceding claims is not disclosed in the specification.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method consists solely of the manipulation of an abstract idea and does not result in a concrete or tangible result. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application. The claimed invention recites selecting a range of cells and activating a fill-by-sample operation but does not produce a tangible result.

9. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a system for carrying out a method and is not being tangibly embodied in a manner so as to be executable and is software per se.

10. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites a computer program that is not being tangibly embodied in a manner so as to be executable and is software per se. The claim has no category of invention and has no way to realize function. The claim is directed to an abstract idea, and directed solely to non-functional descriptive material. The claimed invention recites selecting a range of cells and activating a fill-by-sample operation but does not produce a tangible result.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-2 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Conlon, Rhonda, "Filling a Range with Sequential Data", Copyright 1997, North Dakota State University Agriculture Communication Department, XP002347860, at:

<http://web.archive.org/web/20000901081243/http://www.lgta.org/123/14.data.htm> .

In reference to claims 1, 13, and 14, Conlon discloses a method of filling a range with sequential data in a spreadsheet worksheet comprising a plurality of cells identified by a cell address and a range of cells comprising a plurality of cells. See page 1.

Conlon discloses the following:

-Select a range by highlighting one or more cells (i.e select C2 to C12). 123Win will create a pattern based on the two date entries in C2 and C3 and continue to enter dates in the empty columns according to the pattern. See pages 1-2. Compare to **"selecting a range of cells, said range comprising a plurality of sample cells (i.e. C2 and C3) and one or a plurality of empty cells (i.e. C4-C12), a sample cell containing a sample value (i.e. C2 reads 09/30/96), an empty cell containing no value or a value not considered as a sample value (i.e. C4-C12); the content  $y_i$  of each sample cell and each empty cell being associated with a particular value  $x_i$  of a variable  $x$ ;"**

-A Fill by Example where 123Win will automatically fill highlighted ranges with sequential data. 123Win will create a pattern based on the two date entries in C2 and C3 and continue to enter dates in the empty columns according to the pattern. See

pages 1-2. Compare to ***“activating a fill-by-sample operation, said fill-by-sample operation comprising the steps of: ordering the sample cells and the empty cells according to the values  $x_i$  associated with the content of said cells; and for each empty cell the steps of: identifying the value  $x_i$  associated with the content of the empty cell; selecting one or a plurality of previous sample cells, if any; selecting one or a plurality of next sample cells, if any; computing the value  $y_i$  of the empty cell according to the values  $y_{previous}$  contained in the selected one or plurality of previous sample cells, and the values  $y_{next}$  contained in the selected one or plurality of next sample cells; filling the empty cell with said computed value  $y_i$ .”***

In reference to claim 2, Conlon discloses a means for computing values of an empty cell according to values in previous cells or in next cells. See pages 1-2 in which Conlon teaches entering data into one or two cells, highlighted those cells and the range to fill. The cells could be previous cells or next cells.

In reference to claim 7, Conlon teaches the range of cells contain a cell with a value associated with the content of an example cell. See pages 1-2.

In reference to claim 8, Conlon discloses a means for 123WIN to continue a pattern based on the completed data entries for a column. See pages 1-2. It is inherent in Conlon's system that the computation of the value  $y_i$  is calculated by determining the pattern in the range of cells. This entails determining content of a previous cell (or next cell) and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous cell and a next cell are used to calculate what goes into an empty cell. See page 2.

In reference to claim 9, Conlon discloses a means in which a selected range of cells comprises a single column and row of cells. See figures on pages 1-2. Each cell comprises a value.

In reference to claims 10-11, Conlon discloses filling cells where a table has a range of cells comprising an empty cell (B4), a value in a sample cell (i.e. 0 for column B2), a means for identifying an empty cell in the range of cells, a "example field", an "index of previous and next fields", etc. Conlon discloses a means for 123WIN to continue a pattern based on the completed data entries for a column. See pages 1-2. It is inherent in Conlon's system that the computation of the value  $y_i$  is calculated by determining the pattern in the range of cells. This entails determining content of a previous cell (or next cell) and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous cell and a next cell are used to calculate what goes into an empty cell. See page 2.

In reference to claim 12, Conlon teaches a table comprising N records. See page 1-2, figures 1-2.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conlon, Rhonda, "Filling a Range with Sequential Data", Copyright 1997, North Dakota

State University Agriculture Communication Department, XP002347860, at:  
<http://web.archive.org/web/20000901081243/http://www.lgta.org/123/14.data.htm> in  
view of EXCEL97 Book, Chapter 4: Entering and Editing Data, Available at:  
<http://libdata.itc.gu.edu.au/lap/XL97BOOK/Excel-04.htm>, 1997.

In reference to claims 3-6, Conlon does not expressly disclose automatically filling cells in a range when one or more sample cells or changed or empty cells are changed, added, or deleted; however, EXCEL97 does. EXCEL 97 teaches removing and editing data in which adjacent cells are shifted to fill the gap. See pages 33-34. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine EXCEL97's cell shifting in a range of cells resulting from some editing with Conlon's filling of ranges as it allows a user to edit cell information while maintaining a pattern established within the range.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS

12/08/05

*William F. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*12/10/2005*